REMARKS

The Office Action mailed January 12, 2005, has been received and reviewed. Claims 1-20 are currently pending in the application. Claims 1-4, 7-11, and 14-20 stand rejected. Claims 5, 6, 12, and 13 are objected to. The specification has been amended as set forth herein. No new matter has been added. Reconsideration is respectfully requested.

Specification

Applicant has amended the specification in accordance with the Examiner's suggestions to update the reference to U.S. Patent Application 09/966,569, now U.S. Patent No. 6,617,971.

Claim Rejections

35 U.S.C. § 103(a) obviousness rejection

Obviousness Rejection Based on U.S. Patent No. 5,700,956 to Huang in view of U.S. Patent No. 6,822,565 to Thomas et al.

Claims 1-4, 7-11, and 14-20 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Huang (US 5,700,956) in view of Thomas et al. (US 6,822,565). Applicant respectfully traverses this rejection.

M.P.E.P 706.02(j) sets forth the standard for a § 103(a) rejection: To establish a *prima facie* case of obviousness the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicant respectfully submits that Huang and Thomas et al. fail to teach or suggest all of the elements of independent base claims 1, 9, and 18. With respect to claim 1, Huang and Thomas fail to teach or suggest a circuit connecting a power source, at least one switch element and at least one warning device, wherein the at least one switch element is positioned relative to the rotatable elongate element such that **when a selected condition is sensed by the sensor, the rotatable elongate element for indicating the sensed condition physically contacts the at least one switch element allowing an electric current from the power source to pass through the rotatable elongate element.**

With respect to claim 9, Huang and Thomas fail to teach or suggest a circuit connecting a power source, at least one switch element, **at least one latch circuit** and at least one warning

device, wherein the at least one switch element is positioned relative to the rotatable elongate element such that when a selected condition is sensed by the sensor, the rotatable elongate element for indicating the sensed condition contacts the at least one switch element allowing an electric current from the power source to **pass through the rotatable elongate element**. In fact, neither Huang nor Thomas teach or suggest a latch circuit as described in the specification or the equivalent. (*See*, Specification as-filed, paragraph [0040]).

Huang and Thomas also fail to teach or suggest a rotatable elongate element for indicating a sensed condition, wherein the rotatable elongate element for indicating the sensed condition **is rotatable by the sensor responsive to a change in the sensed condition**, wherein the rotatable elongate element for indicating the sensed condition **physically contacts the at least one switch element** allowing an electric current from the power source to pass through the rotatable elongate element. Huang discloses that "the rotary shaft 365 rotates so as to rotate the pointer 38" and a separate "electrically conductive pressure control needle 39 which is disposed between the pointer 38 and the indicating panel 32," and "[i]t should be noted that the rotary shaft 365 rotatably drives the pointer 38 but **does not rotate the pressure control needle 39.**" (U.S. Patent 5,700,956, Column 4, lines 8-15). In Huang, it is this **pressure control needle** that does not itself move to indicate a sensed condition which actually makes contact with the low-pressure and high-pressure stop units, not the pointer. Therefore, Huang does not teach or suggest a **rotatable elongate element** that indicates the sensed condition and that **contacts the at least one switch element allowing an electric current from the power source to pass through the rotatable elongate element** as recited in claim 1 or 9. Further, Thomas fails to teach or suggest a rotatable elongate element used to complete a circuit as recited in claim 1 or 9.

With respect to claim 18, Huang and Thomas fail to teach or suggest **a temperature sensing device**, comprising, *inter alia*, a circuit connecting a battery, at least one switch element and at least one warning device, wherein the at least one switch element is positioned relative to the rotatable elongate element such that when a selected temperature is sensed by the temperature sensor, the rotatable elongate element for indicating the sensed temperature physically contacts the at least one switch element allowing an electric current from the power source to pass through the rotatable elongate element. Huang discloses "a pressure gauge" and not a

temperature sensing device as recited in claim 18 (U.S. Patent 5,700,956, Column 2, line 10). With regard to Thomas, it discloses a "fuel level detector" and a "fuel pressure sensor" and not a temperature sensing device as recited in claim 18 (Column 1, lines 42 and 57-58).

Further, claims 3-4, 7-8, 10-11, 14-17, and 19-20 are not obvious at least by virtue of their dependency from nonobvious base claims. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

With further regard to claim 19, it is nonobvious since, as previously established herein, neither Huang nor Thomas teach or suggest at least one latch circuit.

Therefore, applicant respectfully requests reconsideration and withdrawal of the obviousness rejections of claims 1-4, 7-11, and 14-20.

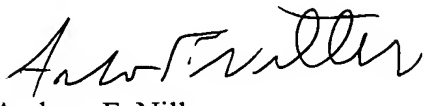
Claim Objections

Claims 5, 6, 12, and 13 are objected to as being dependent upon rejected base claims, but otherwise allowable. The indication of allowable subject matter is noted with appreciation by the applicant.

CONCLUSION

Claims 1-20 are believed to be in condition for allowance, and an early notice thereof is respectfully requested. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned agent.

Respectfully submitted,



Andrew F. Nilles
Registration No. 47,825
Attorney for Applicant
TRASKBRITT, PC
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: June 8, 2005
YMC/AFN
Document in ProLaw

Enclosures: Petition for extension pursuant to 37 C.F.R. § 1.136(a)
Fee as set in 37 C.F.R. § 1.17(a)